

60,137-027

**REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1 – 32 are pending.

All the rejections turn upon the interpretation of “rectilinear in cross-section.” None of the cited references disclose such a piston. The Examiner suggests that *changes in shape not effecting the operation of the device is considered within the skill of the ordinary artisan*. Of course, the Examiner does not cite to any prior art. The Examiner is essentially suggesting that it is always inherently obvious to change the shape of an element without any support in the prior art. This is improper. Moreover, the rectilinear shape provided by the present invention *does* affect operation and provides numerous advantages which are not suggested by the cited references. Some of these advantages are disclosed in paragraph [25] of the present application.

While it is well settled that terms in a claim are to be given their broadest reasonable interpretation in proceedings before the PTO, this interpretation must be consistent with the specification, with the claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Bond*, 910 F.2d 831, 833, 15 USPQ2d 1566, 1567 (Fed Cir. 1990); *In re Sneed*, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed Cir. 1983). Here, the Examiner is suggesting an interpretation which is not consistent with the specifications of *Nennecker* and/or *Gumery*.

The Examiner’s separate contention that “the piston is rectilinear in cross section when taken along the longitudinal axis” cannot be sustained. This interpretation is contrary to the specification of the present invention (which illustrates the cross-section) in which the claims are to be read in light of. Furthermore, suggesting the at the piston somehow becomes “rectilinear” when cut in cross-section in a certain way can not make a cylindrical piston rectilinear.

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Applicant respectfully submits that this case is in condition for allowance.

Respectfully Submitted,  
**CARLSON, GASKEY & OLDS, P.C.**



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